

**STATE COMMISSION PROBE.**

**Investigation to Determine Any Needed Safeguards Will Be Made.**

The State Railroad Commission will investigate the wreck at 9th-ave. and 53d-st. to ascertain if any change in the elevated structure there is needed to prevent any similar disaster in the future. Commissioner Frank Baker, accompanied by C. R. Barnes, the electrical expert of the commission, went to the scene of the accident in the afternoon and spent some hours in an examination of the structure and the signals, watching the operation of the trains at the rush hours. They would say nothing except that the commission would probably examine witnesses, either at or after the corner's inquest.

There was a report yesterday that the State Railroad Commission had repeatedly warned the management of the elevated roads that the curve at 53d-st. and 9th-ave. was a menace to life, because of its being what is technically known among railroad men as a flat curve—that is, that the outer rail of the curve was not raised, as is usual in track construction. The raising of the outer rail acts as a guard in holding the wheels to the track and in properly balancing the cars.

The report that the recent installation of electric power made the curve more dangerous caused considerable comment among railroad men who visited the scene of the catastrophe. An effort was made to see C. R. Barnes, the electrical expert, at the office in the Whitehall Building, Battery Place and West-st. At the office only the chief clerk was present, and he said that Mr. Barnes was away getting opinions as to the cause of the accident and other data on the subject. No one, he said, could give out any statement in the absence of Mr. Barnes, and he further conversation, however, the chief clerk of the commission intimated that he knew of no warning such as is alleged to have been sent to the Interborough Railroad Company. He stated that careful watch had been kept over the track conditions and operative work of the system, and that there seemed no cause for expecting an accident at this point, except through the clerk's said, as many as ninety seven-car trains passed over the place in an hour, and occasionally this number had been increased by one or two trains.

It was impossible, according to the statement made in the office of the Railroad Commission, to bank the curves, because of the grade crossings, but in order to safeguard the trains a collar of steel, almost like a second rail, was arranged against the actual running rails, and in throwing the switches this collar was automatically raised, so as to prevent the wheels from leaving the tracks. It was said that Mr. Barnes would gather his material, and that a report would probably be made to-day on the result of his findings.

Frank Hedley, manager of the Interborough, denied emphatically that any warning about the curve had ever been given by any member or members of the State Railroad Commission. Mr. Hedley said that the curve was carefully watched, but which, with the best equipment and service in the world, would occasionally happen in the business of railway travel. He said that no pains or expense had been spared, but he was spared, by the Interborough in making the equipment as scientifically perfect as possible in every respect, and safeguarding the lives and property of its patrons. He pointed out the impossibility of banking the tracks at 53d-st. and 9th-ave., because of the grade crossing, and referred to the fact that in the many years of traffic over this point, one of the most carefully watched in the entire Interborough system, this was the first accident to occur. It was, he said, to prevent accidents that a most scientific arrangement of track and switches had been installed at this point, being as near perfect as the best engineers and human ingenuity could make them.

**PREVIOUS "L" ACCIDENTS.**

**Boast of Passengers' Safety Failed Since Use of Electricity.**

Before the installation of the third rail system it was the boast of the elevated railroads that they had no fatal collisions. The only accidents were the running down of some man on the tracks occasionally. Since electricity was adopted as a motive power cars have left the tracks many times and there have been many collisions between trains.

December 4, 1902, a train of the 6th-ave. line was switching "empties" across to the express tracks at 134th-st. and 8th-ave. It ran into a train drawn by a locomotive. Two cars were pushed over almost into the street. One man was badly hurt. On September 4 of that year one man was killed and three badly injured when laying a section of third rail at 6th-ave. and 22d-st. A southbound train ran them down.

An accident similar to that of yesterday, with no fatal results, occurred at the 53d-st. curve, on February 18, 1903. The last two cars of a southbound train left the tracks as the train entered the curve. The cars were hurled over the side and the couplings held everybody in them would probably have been killed. The passengers were forced to walk to the 50th-st. station. No excuse ever was given for the accident. On February 21 there was a collision in 6th-ave. near 42d-st. The motorman of a train ran into one ahead which he had been following so closely that passengers, afraid, had left the train at various stations. Several people were somewhat hurt.

There was a collision on the 3d-ave. road at 57th-st. on May 10 of last year, in which the motorman of the rear train was killed and several persons badly injured. The officials never could find out why the motorman ran past signals. In a collision between a train and two empty dirt cars at the 125th-st. station on the 9th-ave. line, on June 19, twenty persons were hurt. The motorman said that no signals were displayed on the dirt cars.

Because of overcrowding on the platform of a 6th-ave. train January 26, 1904, Mrs. Bedford Chokington, of No. 368 St. Nicholas-ave., was severely mutilated and killed. She tried to get on the train just as it was about to leave the 18th-st. station, and it was alleged at the time that the guard had closed the gate after the train had pulled out and threw her beneath the train.

General employees of the Brooklyn Rapid Transit Company were killed January 7, last year, and ten passengers injured on the Kings County Elevated at Pitkin and Williams aves. Through the carelessness of employees two trains were in collision, crushing the three men to death.

**MANHATTAN STOCK TAKES DROP.**

Manhattan opened at 163 1/2 in the stock market yesterday, 1 1/2 points down from Saturday, and closed at 164, a net loss of 1 point. The total sales were only 500 shares.

On the curb Interborough broke 1/2 point, and subsequently rallied 2 points, closing at 215 1/2 bid, 215 asked, against 215 bid and 218 asked at the close on Saturday.



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**PLANS FOR ARMISTICE.**

**A MEETING ON SEPT. 13.**

**Russian Representative Chosen—Army Hears Terms.**

Godzydani, Sept. 10.—It is announced that General Ovanovski and Fukushima, representing respectively General Lnevitch and Field Marshal Oyama, will meet on September 13 to establish a line of demarcation between the two armies. Each general will have a small escort. The Chinese report that the Japanese army at Chang-Tu-Fu will retire to Moukden in ten days.

The peace terms became known here to-day. The majority consider them inoffensive to Russian honor and dignity. It is not clear at what station the railroad is to be turned over to the Japanese, at Kwang-Cheng-Tee or Chang-Tu-Fu. This question is important. If the transfer is made at Kwang-Cheng-Tee Russia will cede to Japan a hundred miles of yet unoccupied land and likewise the only coal mines south of Harbin. From Chang-Tu-Fu start all the trade routes to the rich Kirin Province, and should the road become the property of the Japanese as far as Kwang-Cheng-Tee, the possession of Chang-Tu-Fu would place Kirin Province entirely under Japanese influence.

This and many other questions, such as the Russians' right to maintain consular officials and commercial agents at Liao-Yang, Moukden, Port Arthur and Dalny, should, it is said here, be settled before the armies withdraw from their strategic positions. A high officer said to-day that it would be impolitic to permit the Japanese to settle in Kwang-Cheng-Tee, for in case of another war they could reach Harbin in fifty hours, occupy Kirin and cut Russia off from the Amoor regions.

It was announced from Portsmouth on August 30 that the formal recognition of Japan's possession of the Chinese Eastern Railroad below Kwang-Cheng-Tee involved the payment by Russia to China of a sum estimated at \$75,000,000. This was the Chinese interest in the road, and for it China must be remunerated.

Japan could keep the road or surrender it to China, demanding in return the money paid by Russia to China. If she chose the latter course Japan would obtain an indirect remuneration from Russia.

**HASEGAWA'S OFFER REFUSED.**

**Russians in Northern Corea Refuse to Treat—A Sharp Skirmish.**

Tokio, Sept. 11.—On September 9 the Japanese in Northern Corea dispatched the bearer of a flag of truce to the Russian camp, but the Russians refused to treat, owing to the non-arrival of the notice that an armistice was to be arranged.

Skirmishing occurred in Manchuria on September 9. Two companies of Russian infantry with two guns opened an attack, but were outflanked by the Japanese and fled in disorder, leaving forty dead.

The "Official Gazette" publishes an article based on medical testimony, of the use of dum-dum bullets by the Russians at the fighting at Vladimirof and in other engagements in Saghalien. The same paper publishes charges relating to Russian abuse of the Red Cross flag and cruelties to Japanese.

**LODGE PAYS TRIBUTE.**

**Senator Gives President Entire Credit for Peace.**

Salem, Mass., Sept. 11.—A dinner held in the City Hall to-night closed the Infantry Day celebration. Senator Henry Cabot Lodge, ex-Mayor Low of New-York, Lieutenant General Nelson A. Miles and Adjutant General William Stouffer were present.

Senator Lodge responded to the toast, "The President." He praised President Roosevelt's part in the recent peace conference. He contrasted the attitude of the nations toward the United States in 1805, when American seamen were being impressed, with the present year, when two nations came here and settled their differences. The United States, he said, is familiar with all the details of the world—a sure indication of the power of this country.

Speaking directly of the peace conference, he said that never was a greater deed accomplished than that of the President in bringing about peace. "One American newspaper," said Senator Lodge, "says that the credit for the conference and its successful outcome does not belong to the President. That is not the view of the civilized world. It is not the truth. I am familiar with all the details, and to the President belongs the credit of the organization and of guiding the entire conference."

General Miles said that Washington's idea of the Constitution was that it should be administered with the wisdom and integrity that would lead it to the world. The prayer of Washington was being fulfilled to-day, he declared.

**TREATY WITH JAPAN HELD BACK.**

**British Foreign Office Not Ready to Make the Terms Public.**

London, Sept. 11.—Further delay has occurred in the publication of the text of the Anglo-Japanese treaty. It was decided last week to issue the treaty this evening, or on September 12 at the latest, but it was said at the Foreign Office to-day that probably several days would elapse before the text was made public. No intimation was given regarding the cause of the delay. The impression prevails that it is due to a request of the Japanese. The treaty has been printed.

**REPAIRING THE TRACKS AFTER THE WRECK.**



**JAPAN LESS TURBULENT.**

**Mr. Grisco Sends Reassuring Message to State Department.**

Oyster Bay, Sept. 11.—A synopsis of the conditions in Tokio is given in a cable dispatch from Minister Grisco to the Secretary of State, which was transmitted to-day to President Roosevelt. Minister Grisco indicates that there is no general anti-foreign or anti-Christian sentiment in Tokio. His message, so far as it relates to the rioting in Tokio and the causes which led up to it, is in accord with the statements made yesterday by Baron Kaneko. The dispatch, which was made public to-day by the President, follows:

Tokio, Sept. 10.—The violence to a few foreigners and the attacks on Christian churches reported in my previous telegrams should not be considered to indicate any general anti-foreign or anti-Christian feeling. The former was quite incidental and the latter due to sporadic antagonism to the Russian Church and some native Christians. The mob offered to spare one American church if the minister could show an American flag; unfortunately he could not.

Newspapers have during many months raised popular expectation so high that intense dissatisfaction with the terms of peace resulted. Sentiment among army, navy and nobility, however, is understood to be more conservative. Six newspapers have been suspended. Martial law probably will continue for some time, thus insuring quiet. Meanwhile the legation guard of twelve soldiers will continue.

Tokio, Sept. 11.—The special session of the Privy Council to-day lasted for four hours. No bill was presented, only a report from the Cabinet Ministers, Premier Katsura making a long statement on the peace negotiations.

According to the Constitution a treaty with other powers requires to be submitted to the Council before ratification. It is unusual to hold a special sitting simply to make a report on diplomatic affairs before a treaty assumes a form ready for ratification.

Opposition political parties have appointed a committee to report on sufferings alleged to have been caused by the police in the recent rioting. The Progressives and their local branches continue to press resolutions against the government. The Shiba branch condemns the government's assumption of the power to suspend newspapers, saying it is unconstitutional. Quiet, however, prevails in Tokio.

In accordance with custom, the Cabinet Ministers have presented an official statement to the Mikado explaining the necessity for martial law at the capital and at the same time asking the Imperial judgment whether they should remain in office or retire. The Emperor's reply, which has been made to-day, advised them to retain their respective posts.

The peace that has just been concluded between Russia and Japan forfeits the fruits of victory and sows the seeds of future complications and danger. The government's high handed and unconstitutional measure has resulted in unexpected disturbance to the peace of the city in which the Mikado resides. The empire's honor has been soiled, and the spirit of the constitution lost. Never has our country been brought to face greater dangers. Therefore be it resolved, That we hope that the humiliating peace agreement will be broken and the government will resign.

**CALLS IT BAD BLUNDER.**

**Member of Japanese Diet Says Diplomats Were Unskilled.**

J. K. Matsumoto, a well known member of the Japanese Diet, at the Hotel Astor yesterday said that grave mistakes were made at Portsmouth by Baron Komura and Minister Takahira, and he predicted the early downfall of the Katsura Cabinet as a result of the peace terms. Mr. Matsumoto expressed his opinion as follows:

"I have the highest regard for Baron Komura and Minister Takahira, but their lack of keen perception and shrewdness in the art of diplomacy proved costly to Japan. It is to be regretted that some of the more skillful diplomats, of whom Japan has many, were not despatched to Portsmouth for the Japanese mission. This is all the fault of the present Japanese Ministry, and at its doors may be laid the blame for the losing game played at Portsmouth and the disgraceful rioting which followed Tokio and other cities."

Do not understand me as objecting to peace. It is better for both Russia and Japan that the war should end. The Japanese army were successful beyond our fondest hopes, and it seems a little hard that we should be deprived of long full fruits of our victory."

"In the feeling strong enough in Japan to prevent the ratification of the peace treaty" was asked. "I do not think so," answered Mr. Matsumoto. "I believe that the treaty, disappointing as it is, will be ratified."

**BARON KOMURA IMPROVED.**

**CONDITION NOT SERIOUS.**

**Russian Envoys Visit West Point and Art Exhibition.**

It was announced last night at the Waldorf-Astoria that the condition of Baron Komura, who has been ill since Saturday night, had improved much through the day. Dr. William B. Pritchard, who is attending the Japanese envoy, called Dr. George Brewer, of No. 61 West 46th-st., into consultation yesterday afternoon and it was announced later that no serious result was anticipated from the attack of chills and fever from which Baron Komura has been suffering. It is probable that the plans of the Japanese mission to leave here for Seattle on Thursday will not be interfered with.

M. Witte and Baron Rosen, with members of their suite, including General Yermoloff and Colonel Samoiloff, in uniform, visited West Point yesterday as the guests of J. Pierpont Morgan. They made the trip in the latter's steam yacht Corsair. The party returned about 6 o'clock in the evening in a heavy downpour of rain. The Corsair came to anchor opposite the West 36th-st. yacht landing. There was a long wait for carriages in which nearly every one got wet. There was no carriage for Detective Sergeants Foye and Downing, and they were compelled to sit with the drivers.

After a short stay at the St. Regis M. Witte and Baron Rosen left there again to attend the opening of the Russian Fine Arts Exhibition, at No. 238 5th-ave.

They were received there by Edward M. Grundwaldt and Acting Secretary Joseph T. Kelley. Among those present were Baron Schlippenbach, Imperial consul at Chicago; Vice-Consul Baron Schilling, Vice-Consul Tiesenhansen and several members of the Russian colony, with C. V. Fornes and Charles F. Murphy.

Prayer was offered by the Rev. Alexander A. Hotovitsky, of the Russian church in East 57th-st., who wore the gorgeous vestments of the priests of the orthodox church. The exhibition was then declared open by Baron Rosen, who represents the Czar in this country. After a brief inspection of the pictures the visitors took their departure. Afterward refreshments were served, and speeches were made by the Rev. Dr. Hotovitsky and Edward M. Grundwaldt.

To-day M. Witte will sail for home on the Kaiser Wilhelm II. His Excellency Ivan Shipoff, Privy Councillor, Commander Roussine, Imperial Russian Navy; Georg Plancos, Secretary of the Imperial Russian Foreign Office; Ivan Korostovetz, Secretary of the Russian Foreign Office; Michael Batchev, Secretary of the Russian Finance Ministry; Constantin Nabokoff, Secretary of the Russian Foreign Office; General Wilenkin, financial agent of the Russian government; General Yermoloff and Colonel Samoiloff also will sail.

Charles R. Flint has extended to Baron Rosen the courtesy of his steam yacht the Arrow, to accompany M. Witte down the bay. Mr. Flint sent to Baron Rosen yesterday his regrets at his inability to be on board, as he will to-day attend the funeral of a relative at Troy, N. Y. He will be represented on board by F. R. Cordley.

Others who will be on the Arrow are M. Pokotloff, Russian Minister to China; M. Rogestvensky, Mr. Hansen, first secretary, Russian Embassy at Washington; Colonel Rasputin, military attaché of embassy; Captain Bounokoff, naval attaché of embassy; Consul General Lodjensky, Baron Schilling, the Rev. Alexander A. Hotovitsky, Charles Johnson, Colonel G. B. M. Harvey, George W. Young, Walter Kutzeb and Captain H. R. Lemly.

Numerous societies in the city are to hold an indignation meeting at No. 206 East Broadway, Friday night, and also discuss plans for a large funeral of a relative at Troy, N. Y. The societies will also draw up resolutions, protesting against the outrages in the Jewish massacre in the hills of Abraham, Cuba, which will act as chairman, and he said last night that he expected fully 30,000 to parade.

Speaking of the massacre, Mr. Cahen said that although peace had been declared between Russia and Japan there was no peace in Russia. He said that M. Witte, the Russian envoy, would remain in the city long enough to see the parade. On Sunday a mass meeting will be held at Carnegie Hall, at which numerous well known men will speak.

**A SURPRISE TO WITTE.**

**None of City's Many Arrests Was for Political Crimes.**

Commissioner McAdoo last night gave out a typewritten statement giving an account of the visit of M. Witte to Mulberry-st. After expressing his regret that he had not asked M. Witte's consent to have reporters present at the visit, and declaring that the published accounts of the interview had been garbled and inaccurate, Mr. McAdoo said:

When shown the consolidated report for the preceding day, with six hundred names and over, Dr. Brewer said he had a General Lodjensky during the day and found the baron's condition encouraging. I do not think that he should leave on Thursday."

The illness of Baron Komura was diagnosed as inflammation of the gall bladder. He might be enjoined to remain here a few days longer as a precaution.

**THE VISIT TO WEST POINT.**

West Point, N. Y., Sept. 11.—The Russian envoys were met at the West Point landing by General

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Mills and staff and a detachment of cavalry. There was a salute of nineteen guns and a review of the corps of cadets. The visitors viewed the various buildings, and then went aboard the yacht Corsair again and were conveyed to J. P. Morgan's country seat at Highland Falls, where they had dinner. Commander Takahira and Colonel Takahama, of the Japanese army and navy, respectively, visited West Point earlier in the day.

**REFORMS IN MANCHURIA.**

**Chinese Plan to Test Them Before Their General Adoption.**

[From The Tribune Bureau.]

Washington, Sept. 11.—To make Manchuria a great experimental station for Chinese reforms is a plan which China may carry out should the opportunity present itself. Mr. Gracey, the American consul at Nanking, China, reports to the State Department that he has obtained information concerning such a project from Lao Tsung Yao, chief commissioner of the Bureau of Foreign Affairs of the Liang-Kiang provinces.

Lao, the consul says, is a highly educated Chinese, a graduate of the Middle Temple, in England, and has been admitted to the English bar. He informed Consul Gracey that he had had several discussions with the Viceroy regarding the ultimate fate of Manchuria should this territory be returned to China on the termination of the present trouble.

Lao suggested the advisability of placing Manchuria in the position of an experimental ground, he recognizes the effort toward reform which is being so strenuously made by the government, and has suggested and discussed with the Viceroy the use of Manchuria as a testing ground for these reforms, such as opening the country to foreign commerce, granting mining and railway concessions, reforming the judicial and monetary systems and abolition of the use of torture in the courts. The Viceroy, he was told, was much impressed with the idea, and probably will memorialize the throne regarding it.

**RUSSO-JAPANESE LEGATIONS.**

**Rumor That Minister Takahira Will Go to Russia Discredited Here.**

St. Petersburg, Sept. 11.—The report current here lately regarding the appointments of diplomatic representatives in Russia and Japan, in which the names of M. Takahira, Japanese Minister at Washington, and M. Korostovitz, former secretary of the Russian legation at Peking, were used, is said, in an excellent quarter to-day, to be premature. No decision on the subject has been reached.

Minister Takahira, when he read the dispatch intimating that he would be appointed Minister of Japan to St. Petersburg, said: "I have heard nothing of any such appointment."

**WAY TO MEND ANGLO-CUBAN TREATY.**

**Washington Will Not Object if England Is Not Made a Favored Nation.**

Washington, Sept. 11.—Inquiry at the State Department into the status of the Anglo-Cuban treaty which is now before the commercial bodies of Havana, for an expression of opinion as to its merits has developed the fact that, so far back as last June, the State Department, through Mr. Squiers, the American Minister, lodged a most energetic protest with the authorities at Havana against the consummation of the treaty as it then stood. The principal objection was that it might operate as a treaty between the United States and Cuba as to reciprocal favors to be bestowed upon the shipping of the two countries.

**A BRITISH BARK LOST.**

Turk's Island, Bahamas, Sept. 11.—The British bark Stillwater, Captain Thurber, bound from Barbadoes for Turk's Island, ran ashore to-day on a reef off this island. She is full of water and will be a wreck. All the members of the crew were saved.

St. John, N. B., Sept. 11.—The bark Stillwater left Rio Janeiro on August 4 for Barbadoes and Portland, Me. She was built by D. Lynch in this city in 1879. She was owned by Troop & Sons and was insured. The bark registered 1,062 tons.

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